

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARC MCDONALD	: CIVIL ACTION
	:
vs.	:
	:
ROBERT GILMORE, <u>ET AL.</u>	: NO. 14cv3998

O R D E R

**AND NOW**, this 26<sup>th</sup> day of March, 2015, upon careful and independent consideration of the Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254, and after review of the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey, and consideration of petitioner's objections to the Report and Recommendation and for the reasons set forth in the accompanying memorandum, **IT IS HEREBY ORDERED** that:

1. Petitioner's objections are **OVERRULED**.
2. The Report and Recommendation of Magistrate Judge Elizabeth T. Hey is **APPROVED** and **ADOPTED**.
3. The petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 is **DISMISSED**.
4. Petitioner having failed to make a substantial showing of the denial of a constitutional right, there is no ground to issue a certificate of appealability, *see* 28 U.S.C. § 2253(c); and
5. The Clerk shall **CLOSE THIS CASE STATISTICALLY**.

s/William H. Yohn Jr.  
William H. Yohn Jr., Judge